

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FREDERICK BROWN,
Petitioner,
v.
W. L. MUNIZ, et al.,
Respondents.

Case No. [17-cv-06722-WHO](#) (PR)

ORDER OF DISMISSAL

Dkt. Nos. 8 and 9

Petitioner Frederick Brown was given the opportunity to convert this habeas action to a civil rights action under 42 U.S.C. § 1983. He has not, however, filed a civil rights complaint as he was directed to do. Accordingly, this action is DISMISSED without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

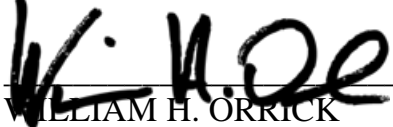
Because this dismissal is without prejudice, Brown may move to reopen this action. Any such motion must contain a civil rights complaint.

Brown's motion to proceed *in forma pauperis* (Dkt. Nos. 8 and 9) is GRANTED.

The Clerk shall terminate Dkt. Nos. 8 and 9, enter judgment in favor of respondent, and close the file.

IT IS SO ORDERED.

Dated: January 31, 2018


WILLIAM H. ORRICK
United States District Judge